

Telleria v Aztlan and EVI - Request for Better Responses to Discovery

10 messages

Toussaint Cummings <toussaint@fairlawattorney.com>

Fri, Aug 26, 2022 at 5:4

To: Chuck Eiss <chuck@icelawfirm.com>, Shanna Wall <shanna@icelawfirm.com>

Cc: Brian Pollock <brian@fairlawattorney.com>, Melody Blanco <melody@fairlawattorney.com>, Bridget Obando <bridget@fairlawattorney.com>

Hello Chuck,

After reviewing your client's responses to our interrogatories and RFP, I have the following questions and requests for better responses. Please respond within one week. I will be available to speak on the phone.

Roggs to EVI

The majority of the responses state that Mr. Telleria did not work for EVI so I will not address the responses individually at this point. However, Defense Bates numbers 67, 68, and 72 all show checks or stubs to my client stating "EVI Hours". Why was my client clocking EVI time if he wasn't working for them?

Roggs to Aztlan

#3 - the response indicates that my client worked for Aztlan from 12/7/20 to 3/15/2022, but there are time records provided by your client showing that Mr. Telleria worked as early as 2018 and continuously through 2020 (Def Bates 12-46). Please clarify the response in light of this contradiction.

#19 - Part of this interrogatory may be protected by ACP, but your client is still required to answer the portion that is not - which attorneys they consulted about overtime. Please provide a better response.

RFP

#4 - This requests asks for all of client's hours from 2019 to present, however only time sheets from 2021 and 2022 were provided. Please explain if these are the only records your client has or if these are the only ones that were provided.

Thank you,

Toussaint Cummings, Esq.

FairLaw Firm

135 San Lorenzo Avenue

Suite 770

Coral Gables, FL 33146

Ofc: 305.230.4884

Fax: 305.230.4844

toussaint@fairlawattorney.com

www.fairlawattorney.com

Chuck Eiss <chuck@icelawfirm.com>

Fri, Aug 26, 2022 at 5:40 PM

To: Toussaint Cummings <toussaint@fairlawattorney.com>

Cc: Shanna Wall <shanna@icelawfirm.com>, Brian Pollock <brian@fairlawattorney.com>, Melody Blanco <melody@fairlawattorney.com>, Bridget Obando <bridget@fairlawattorney.com>

Two quick responses - the rest I will have to review.

Our position, as noted somewhere in our responses, is that Plaintiff never worked for EVI. It may be true that he was paid from the incorrect account on a couple occasions, but he never worked for the company.

As to the question about attorneys consulted, we are going to maintain our objection.

Representing Employers and Employees

Chuck Eiss

Law Offices of Charles Eiss, P.L.

7951 SW 6th Street

Suite 112

Plantation, Florida 33324

954.914.7890 (office)

954.812.9513 (cell)

855-icelaw-8 (423-5298) (fax)

chuck@icelawfirm.com

Please know that during the Covid-19 quarantine our office is fully operational and we are working remotely. We are available via telephone or Zoom for conferences and meetings on all existing and any new matters. Remember, we are here to assist you. Do not hesitate to reach out to us for more information on how we can meet your legal needs during these trying times.**Stay safe.**

LAW OFFICES OF CHARLES EISS, P.L.

Representing Employers and Employees, Not Just On the Same Case!

This transmission may contain information that is privileged, confidential, legally privileged, and/or exempt from disclosure under applicable law. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or use of the information contained herein (including any reliance thereon) is STRICTLY PROHIBITED. Although this transmission and any attachments are believed to be free of any virus or other defect that might affect any computer system into which it is received and opened, it is the responsibility of the recipient to ensure that it is virus free and no responsibility is accepted by the Law Offices of Charles Eiss, P.L. for any loss or damage arising in any way from its use. If you received this transmission in error, please immediately contact the sender and destroy the material in its entirety, whether in electronic or hard copy format. Thank you.

[Quoted text hidden]

Brian H. Pollock <brian@fairlawattorney.com>

Fri, Au

To: "Charles \"Chuck\" Eiss, Esq." <chuck@icelawfirm.com>

Cc: "Toussaint Cummings, Esq." <toussaint@fairlawattorney.com>, Shanna Wall <shanna@icelawfirm.com>, Melody Blanco <melody@fairlawattorney.com>, Bridget Obando <bridget@fairlawattorney.com>

Hey Chuck,**We understand your clients' position as it relates to EVI - but our client received checks from Aztlan that are indicated as for working at EVI. Not sure what you mean by "paid from the wrong account", as the checks were issued by Azi someone had to manually enter the dates they were to cover and that they were for EVI... see attached.**

Hopefully this clears up your client's confusion,

Brian H. Pollock, Esq.

FairLaw Firm

135 San Lorenzo Avenue

Suite 770

Coral Gables, FL 33146

Dir: 305.230.4822

Ofc: 305.230.4884

Fax: 305.230.4844
 brian@fairlawattorney.com
 www.fairlawattorney.com

On Aug 26, 2022, at 5:40 PM, Chuck Eiss <chuck@icelawfirm.com> wrote:

Two quick responses - the rest I will have to review.

Our position, as noted somewhere in our responses, is that Plaintiff never worked for EVI. It may be true that he was paid from the incorrect account on a couple occasions, but he never worked for the company.

As to the question about attorneys consulted, we are going to maintain our objection.

Representing Employers and Employees

Chuck Eiss
 Law Offices of Charles Eiss, P.L.
 7951 SW 6th Street
 Suite 112
 Plantation, Florida 33324
 954.914.7890 (office)
 954.812.9513 (cell)
 855-icelaw-8 (423-5298) (fax)
 chuck@icelawfirm.com

Please know that during the Covid-19 quarantine our office is fully operational and we are working remotely. We are available via telephone or Zoom for conferences and meetings on all and any new matters. Remember, we are here to assist you. Do not hesitate to reach out to us for more information on how we can meet your legal needs during these trying times.

Stay safe.



LAW OFFICES OF CHARLES EISS, P.L.
 "Representing Employers and Employees. And Not On the Same Case!"

This transmission may contain information that is privileged, confidential, legally privileged, and/or exempt from disclosure under applicable law. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, information contained herein (including any reliance thereon) is STRICTLY PROHIBITED. Although this transmission and any attachments are believed to be free of any virus or other defect that might affect any computer system into which it is received, it is the responsibility of the recipient to ensure that it is virus free and no responsibility is accepted by the Law Offices of Charles Eiss, P.L. for any loss or damage arising in any way from its use. If you received this transmission in error, please immediately contact the sender and destroy the material in its entirety, whether in electronic or hard copy format. Thank you.

On Fri, Aug 26, 2022 at 5:26 PM Toussaint Cummings <toussaint@fairlawattorney.com> wrote:
 Hello Chuck,

After reviewing your client's responses to our interrogatories and RFP, I have the following questions and requests for better responses. Please respond within one week. I will be available to speak on the phone.

Roggs to EVI

The majority of the responses state that Mr. Telleria did not work for EVI so I will not address the responses individually at this point. However, Defense Bates numbers 67, 68, and 72 all show checks or stubs to my client stat Hours". Why was my client clocking EVI time if he wasn't working for them?

Roggs to Aztlan

#3 - the response indicates that my client worked for Aztlan from 12/7/20 to 3/15/2022, but there are time records provided by your client showing that Mr. Telleria worked as early as 2018 and continuously through 2020 (Def 46). Please clarify the response in light of this contradiction.

#19 - Part of this interrogatory may be protected by ACP, but your client is still required to answer the portion that is not - which attorneys they consulted about overtime. Please provide a better response.

RFP

#4 - This requests asks for all of client's hours from 2019 to present, however only time sheets from 2021 and 2022 were provided. Please explain if these are the only records your client has or if these are the only ones that provided.

Thank you,
 Toussaint Cummings, Esq.
 FairLaw Firm
 135 San Lorenzo Avenue
 Suite 770
 Coral Gables, FL 33146
 Ofc: 305.230.4884
 Fax: 305.230.4844
 toussaint@fairlawattorney.com
 www.fairlawattorney.com

Checks for work at EVI.pdf
 186K

Chuck Eiss <chuck@icelawfirm.com>
 To: "Brian H. Pollock" <brian@fairlawattorney.com>
 Cc: "Toussaint Cummings, Esq." <toussaint@fairlawattorney.com>, Shanna Wall <shanna@icelawfirm.com>, Melody Blanco <melody@fairlawattorney.com>, Bridget Obando <bridget@fairlawattorney.com>, Melissa Mata <melissa@icelawfirm.com>

Fri, Aug 26, 2022 at 5:54 PM

I will confer with my clients again, but it is my understanding these were done in error. It doesn't change the hours worked.

Also, we would prefer to keep mediation in September rather than running up the attorney's fees needlessly. It is no secret that our client is being fully vetted by DOL and is going to be facing significant damages. The only real issue that I see is the circumstances of your client's separation, and that is not going to change much with the depositions.

Representing Employers and Employees

Chuck Eiss
 Law Offices of Charles Eiss, P.L.
 7951 SW 6th Street
 Suite 112
 Plantation, Florida 33324
 954.914.7890 (office)

954.812.9513 (cell)
 855-icelaw-8 (423-5298) (fax)
chuck@icelawfirm.com

Please know that during the Covid-19 quarantine our office is fully operational and we are working remotely. We are available via telephone or Zoom for conferences and meetings on all existing and any new matters. Remember, we are here to assist you. Do not hesitate to reach out to us for more information on how we can meet your legal needs during these trying times.

Stay safe.



LAW OFFICES OF CHARLES EISS, P.L.
Representing Employers and Employees... Just Not On the Same Case!

This transmission may contain information that is privileged, confidential, legally privileged, and/or exempt from disclosure under applicable law. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or use of the information contained herein (including any reliance thereon) is STRICTLY PROHIBITED. Although this transmission and any attachments are believed to be free of any virus or other defect that might affect any computer system into which it is received and opened, it is the responsibility of the recipient to ensure that it is virus free and no responsibility is accepted by the Law Offices of Charles Eiss, P.L. for any loss or damage arising in any way from its use. If you received this transmission in error, please immediately contact the sender and destroy the material in its entirety, whether in electronic or hard copy format. Thank you.

On Fri, Aug 26, 2022 at 5:50 PM Brian H. Pollock <brian@fairlawattorney.com> wrote:
 Hey Chuck,

We understand your clients' position as it relates to EVI - but our client received checks from Aztlan that are indicated as for working at EVI. Not sure what you mean by "paid from the wrong account", as the checks were issued by Aztlan and then someone had to manually enter the dates they were to cover and that they were for EVI... see attached.

Hopefully this clears up your client's confusion,

Brian H. Pollock, Esq.
 FairLaw Firm
 135 San Lorenzo Avenue
 Suite 770
 Coral Gables, FL 33146
 Dir: 305.230.4822
 Ofc: 305.230.4884
 Fax: 305.230.4844
brian@fairlawattorney.com
www.fairlawattorney.com
 [Quoted text hidden]

Brian H. Pollock <brian@fairlawattorney.com>

Fri, Aug 26, 2022 at 5:55 PM

To: "Charles \"Chuck\" Eiss, Esq." <chuck@icelawfirm.com>

Cc: "Toussaint Cummings, Esq." <toussaint@fairlawattorney.com>, Shanna Wall <shanna@icelawfirm.com>, Melody Blanco <melody@fairlawattorney.com>, Bridget Obando <bridget@fairlawattorney.com>, "Charles \"Chuck\" Eiss, Esq." <melissa@icelawfirm.com>

The reason I proposed moving the mediation was because we have a settlement conference a few days before it. I figured that if we didn't resolve, we could have another shot at trying to settle the case after we had depositions.

Let me know,

Brian H. Pollock, Esq.
 FairLaw Firm
 135 San Lorenzo Avenue
 Suite 770
 Coral Gables, FL 33146
 Dir: 305.230.4822
 Ofc: 305.230.4884
 Fax: 305.230.4844
brian@fairlawattorney.com
www.fairlawattorney.com
 [Quoted text hidden]

Chuck Eiss <chuck@icelawfirm.com>

Fri, Aug 26, 2022 at 6:00 PM

To: "Brian H. Pollock" <brian@fairlawattorney.com>

Cc: "Toussaint Cummings, Esq." <toussaint@fairlawattorney.com>, Shanna Wall <shanna@icelawfirm.com>, Melody Blanco <melody@fairlawattorney.com>, Bridget Obando <bridget@fairlawattorney.com>, "Charles Chuck Eiss, Esq." <melissa@icelawfirm.com>

OK....the settlement conference is actually two days after the mediation, but I agree it makes sense to move the mediation for that reason.

Representing Employers and Employees

Chuck Eiss
 Law Offices of Charles Eiss, P.L.
 7951 SW 6th Street
 Suite 112
 Plantation, Florida 33324
 954.914.7890 (office)
 954.812.9513 (cell)
 855-icelaw-8 (423-5298) (fax)
chuck@icelawfirm.com

Please know that during the Covid-19 quarantine our office is fully operational and we are working remotely. We are available via telephone or Zoom for conferences and meetings on all existing and any new matters. Remember, we are here to assist you. Do not hesitate to reach out to us for more information on how we can meet your legal needs during these trying times.

Stay safe.



LAW OFFICES OF CHARLES EISS, P.L.
Representing Employers and Employees... Just Not On the Same Case!

This transmission may contain information that is privileged, confidential, legally privileged, and/or exempt from disclosure under applicable law. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or use of the information contained herein (including any reliance thereon) is STRICTLY PROHIBITED. Although this transmission and any attachments are believed to be free of any virus or other defect that might affect any computer system into which it is received and opened, it is the responsibility of the recipient to ensure that it is virus free and no responsibility is accepted by the Law Offices of Charles Eiss, P.L. for any loss or damage arising in any way from its use. If you received this transmission in error, please immediately contact the sender and destroy the material in its entirety, whether in electronic or hard copy format. Thank you.

[Quoted text hidden]

Brian H. Pollock <brian@fairlawattorney.com>

Fri, Sep 9, 2022 at 12:47 PM

To: Chuck Eiss <chuck@icelawfirm.com>

Cc: "Toussaint Cummings, Esq." <toussaint@fairlawattorney.com>, Shanna Wall <shanna@icelawfirm.com>, Melody Blanco <melody@fairlawattorney.com>, Bridget Obando <bridget@fairlawattorney.com>, Melissa Mata <melissa@icelawfirm.com>

Chuck,

I'm circling back to see about getting the time and pay records at issue. We still don't have the records for the 3-year period, which will result in estimating based on our client's version of events for the records we don't have. As for time and payments records relative to EVI, I sent you checks issued by Aztlan and that identify payments for work done at EVI.

Please advise on the status of sending us the responsive docs.

The alternative is that we have our settlement conference, impasse, and then continue with discovery - all the the detriment of your clients.

Let me know,

Brian H. Pollock, Esq.
FairLaw Firm
Ofc: 305.230.4884
Dir: 305.230.4822
Fax: 305.230.4844
135 San Lorenzo Avenue
Suite 770
Coral Gables, FL 33146
brian@fairlawattorney.com
www.fairlawattorney.com

On Aug 26, 2022, at 5:54 PM, Chuck Eiss <chuck@icelawfirm.com> wrote:

[Quoted text hidden]

Melody Blanco <melody@fairlawattorney.com>
To: "Mr. Brian Howard Pollock" <brian@fairlawattorney.com>, Toussaint Cummings <toussaint@fairlawattorney.com>

Wed, Sep 14, 2022 at 12:55 PM

Was there a response from chuck?

If you have any questions or concerns do not hesitate to contact our office.

Best Regards,

Melody Blanco | Legal Assistant to
Brian H. Pollock, Esq.
& Toussaint Cummings, Esq.
FairLaw Firm
135 San Lorenzo Avenue
Suite 770
Coral Gables, FL 33146
Ofc: 305.230.4884
Fax: 305.230.4844
melody@fairlawattorney.com
www.fairlawattorney.com

Begin forwarded message:
[Quoted text hidden]

Brian Pollock <brian@fairlawattorney.com>
To: "Charles \"Chuck\" Eiss, Esq." <chuck@icelawfirm.com>
Cc: "Toussaint Cummings, Esq." <toussaint@fairlawattorney.com>, Shanna Wall <shanna@icelawfirm.com>, Melody Blanco <melody@fairlawattorney.com>, Bridget Obando <bridget@fairlawattorney.com>, "Charles \"Chuck\" Eiss, Esq." <melissa@icelawfirm.com>

Wed, Sep 14, 2022 at 3:06 PM

Hi Chuck,

Having not received the responsive materials (or a response), we're likely going to have to set this down with the Court.

For our settlement conference, we're just going to estimate for the records that weren't produced.

Best,

Brian H. Pollock, Esq.
FairLaw Firm
Ofc: 305.230.4884
Dir: 305.230.4822
Fax: 305.230.4844
135 San Lorenzo Avenue
Suite 770
Coral Gables, FL 33146
brian@fairlawattorney.com
www.fairlawattorney.com

[Quoted text hidden]

Chuck Eiss <chuck@icelawfirm.com>
To: Brian Pollock <brian@fairlawattorney.com>
Cc: "Toussaint Cummings, Esq." <toussaint@fairlawattorney.com>, Shanna Wall <shanna@icelawfirm.com>, Melody Blanco <melody@fairlawattorney.com>, Bridget Obando <bridget@fairlawattorney.com>, "Charles Chuck Eiss, Esq." <melissa@icelawfirm.com>

Wed, Sep 14, 2022 at 3:18 PM

we are both going to have to estimate though I am trying to get the records

Representing Employers and Employees

Chuck Eiss
Law Offices of Charles Eiss, P.L.
7951 SW 6th Street
Suite 112
Plantation, Florida 33324
954.914.7890 (office)
954.812.9513 (cell)
855-icelaw-8 (423-5298) (fax)
chuck@icelawfirm.com

Please know that during the Covid-19 quarantine our office is fully operational and we are working remotely. We are available via telephone or Zoom for conferences and meetings on all existing and any new matters. Remember, we are here to assist you. Do not hesitate to reach out to us for more information on how we can meet your legal needs during these trying times.

Stay safe.



LAW OFFICES OF CHARLES EISS, P.L.
"Representing Employers and Employees...but Not On the Same Case!"

This transmission may contain information that is privileged, confidential, legally privileged, and/or exempt from disclosure under applicable law. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or use of the information contained herein (including any reliance thereon) is **STRICTLY PROHIBITED**. Although this transmission and any attachments are believed to be free of any virus or other defect that might affect any computer system into which it is received and opened, it is the responsibility of the recipient to ensure that it is virus free and no responsibility is accepted by the Law Offices of Charles Eiss, P.L. for any loss or damage arising in any way from its use. If you received this transmission in error, please immediately contact the sender and destroy the material in its entirety, whether in electronic or hard copy format. Thank you.

[Quoted text hidden]